

MEMORANDUM

PZ 11-20-04

TO: Mayor and Town Council

THRU: Chris Kovanes, Interim Town Administrator

THRU: Mark Kutney, Director of Development Services

THRU: Fernando Leiva, Planning and Zoning Manager

THRU: Marcie Oppenheimer Nolan, Deputy Planning & Zoning Manager

FROM: Ann Romano, Permit Clerk

DATE: November 22, 2004

RE: ZB 2-4-03 and VA 12-1-03 Oak Scholar of Broward
Owner: Oak Scholar of Broward, LLC
Petitioner: Hugo F. Hormazabal
Location: 3655 Shotgun Road (SW 154 Avenue) / generally located on the west side of Shotgun Road, south of SW 36 Street.

REQUEST: Staff is requesting that the above referenced items, currently scheduled for the December 1, 2004 Town Council meeting, be tabled to the meeting on February 2, 2005. This is the first tabling for this item by the staff.

JUSTIFICATION: At the November 9, 2004 Site Plan Committee meeting, the proposed site plan was tabled to December 21, 2004. The Rezoning and Vacation of Right of Way applications were tabled from the November 10, 2004 Planning and Zoning Board meeting to the January 12, 2005 meeting. In light of these tablings, all related application items require tabling until they all move forward to Town Council concurrently.

TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Mark Kutney, AICP, Development Services Director/(954) 797-1101
Prepared by: Annie Feng, Planner II

SUBJECT: Ordinance 1st Reading/Quasi-judicial
VA 12-1-03, Oak Scholar of Broward, LLC, 3655 Shotgun Road (SW 154 Avenue)/generally located on the west side of Shotgun Road, south of SW 36 Street

AFFECTED DISTRICT: District 4

TITLE OF AGENDA ITEM: AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING PETITION VA 12-1-03, VACATING THE ROAD RIGHT-OF-WAY EASEMENT ON THE PROPERTY LOCATED AT 3655 SHOTGUN ROAD; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

REPORT IN BRIEF: The 15-foot road right-of-way easement was dedicated within the original Plat, "Florida Fruit Lands Company's Subdivision Plat No. 1" and recorded in Plat Book 2, Page 17 of Miami Dade County Records. The applicant proposes to vacate this easement and include it into the proposed 63,561 square foot charter school development.

The proposed vacation will have no adversely impact to the surrounding neighborhood. The 15-foot road right-of-way easement is along the south property line, running through the archeological site, from the east property line to the west property line. It does not provide any street connections from east to west as I-75 is west of the property. This easement was dedicated prior to the construction of I-75. The vacant parcel to the south has access on Shotgun Road and will not be affected by this vacation. The proposed vacation will allow a better site design as the subject site is long and narrow (330' x 1,305') and contains an archeological site. A 10-foot perimeter landscape buffer will be located in this easement should the vacation be approved.

PREVIOUS ACTIONS: None

CONCURRENCES:

FISCAL IMPACT: None

RECOMMENDATION(S): Staff finds the subject application complete and suitable for transmittal to Town Council for further consideration.

Attachment(s): Ordinance, Planning report, Justification letter, Future Land Use map, Zoning and aerial map

ORDINANCE _____

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING PETITION VA 12-1-03, VACATING THE ROAD RIGHT-OF-WAY EASEMENT ON THE PROPERTY LOCATED AT 3655 SHOTGUN ROAD; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, certain land located within the property located at 3655 Shotgun Road, specifically described on Exhibit "A" attached hereto, was accepted as a road right-of-way easement; and

WHEREAS, vacation of the road right-of-way easement will not be in conflict with the public interest; and

WHEREAS, on the date of adoption of this ordinance, Town Council approved such vacation.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA.

SECTION 1. The road right-of-way easement on the subject property located at 3655 Shotgun Road as specifically described in Exhibit "A" attached hereto, is hereby vacated by the Town of Davie.

SECTION 2. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION 3. This ordinance shall take effect immediately upon its passage and adoption.

PASSED ON FIRST READING THIS _____ DAY OF _____, 2004.

PASSED ON SECOND READING THIS _____ DAY OF _____, 2004.

MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 2004.

Application: VA 12-1-03 Oak Scholar Academy Charter School
Exhibit "A"

Revisions:
Original Report Date: 11/2/04

TOWN OF DAVIE
Development Services Department
Planning & Zoning Division Staff
Staff Report and Recommendation

Applicant Information

Owner:

Name: Oak Scholar of Broward, LLC
Address: 6035 SW 88 Court
City: Miami, FL 33173
Phone:

Petitioner:

Name: Hugo F. Hormazabal
Address: 6035 SW court
City: Miami, FL 33173
Phone: (305) 412-7874

Background Information

Date of Notification: November 3, 2004

Number of Notifications: 23

Application History: No deferrals have been requested.

Application Request: To vacate a 15-foot road right-of-way easement on the subject site

Address/Location: 3655 Shotgun Road (SW 154 Avenue)/generally located on the west side of Shotgun Road, south of SW 36 Street.

Future Land Use Plan Map Designation: Residential (1DU/AC)

Existing Zoning: AG, Agricultural District

Proposed Zoning: CF, Community Facilities District

Existing Use: Vacant

Proposed Use: A charter school of 63,561 square feet for a maximum capacity of 900 students

Parcel Size: 10.63 net acres

Surrounding Use:

North: Vacant & SW 36 Street
South: Vacant Land
East: Shotgun Road (SW 154 Avenue)
West: I-75

Surrounding Zoning:

Surrounding Land

Use Plan Designation:

Residential (1DU/AC)
Residential (1DU/AC)
Residential (1DU/AC)
Transportation

North: AG, Agricultural District
South: CF, Community Facilities District
East: E, Estate District
West: T, Transportation

Zoning History

Related Zoning History: On October 16, 2002, the Town Council approved Ordinance 2002-35, amending the Land Development Code to create Article IX of Chapter 12, entitled “Rural Lifestyle Regulations” and to create Scenic Corridors Overlay District. Shotgun Road was designated as a scenic corridor.

Plat Information: On February 18, 2004, the Town Council approved the replat, Oak Scholar-Davie Plat, subject to approval of the rezoning (ZB 2-4-03) from AG, Agricultural District, to CF, Community Facilities District.

The subject site was a portion of the plat, Florida Fruit Lands Company’s Subdivision Plat No. 1, as recorded in Plat Book 2, Page 17 of Miami Dade County Records.

Previous Requests on Same Property:

The applicant has submitted the following requests simultaneously with this request:

A site plan application (SP 2-4-03) for construction of a 63,561-square foot school facility to accommodate a maximum of 900 students from kindergarten through 8th grade;

A rezoning request (ZB 2-4-03) to rezone the subject property from AG, Agricultural District, to CF, Community Facilities District;

A developer agreement (DA 12-2-03) between the developer, Broward County, and Town of Davie for the management plan for the archeological site within the plat limit;

A developer agreement (DA 4-2-04) between the developer, Broward County, and Town of Davie for the Regional Road Concurrency Agreement.

Application Details

The applicant requests to vacate a 15-foot wide road right-of-way easement adjacent to the south property line on the subject site. The purpose of this request is to include this 15-foot easement into the proposed 63,561 square foot charter school for a maximum capacity of 900 students.

Applicable Codes and Ordinances

Section 12-310 of the Land Development Code, review for vacations or abandonment of right-of-way.

Section 12-289 (A) of Rural Lifestyle Regulation, Street, Access, and Circulations.

Comprehensive Plan Considerations

Planning Area: The subject property is within Planning Area 2. Planning Area 2 includes the westernmost section of the Town north of Orange Drive and south of SW 14 Street, and bound on the west by Interstate 75 and on the east by SW 100 Avenue. The predominant existing and planned land use is single family residential at a density of one dwelling per acre.

Broward County Land Use Plan: The subject site falls within Flexibility Zone 113.

Applicable Goals, Objectives & Policies:

Future Land Use Plan, Objective 5: Consistency of Development with Comprehensive Plan, Policy 15-4: Land development regulation shall provide for adequate, convenient, and safe on-site circulation and off-street parking facilities.

Significant Development Review Agency Comments

No significant development review comments for this application.

Findings of Fact

Vacations or abandonment of right-of-way:

Section 12-310 (A)(1):

The following findings of fact apply to the vacation requested:

- (a) It will not adversely affect access to neighboring properties.

The 15-foot road right-of-way easement is along the south property line adjacent to the vacant parcel owned by Broward County. This vacant parcel to the south has an access on Shotgun Road. No other property in the neighborhood will be affected by this request. Therefore, it will not adversely affect access to neighboring properties.

- (b) It will not be in conflict with the public interest.

The subject property is adjacent to I-75 to the west and Shotgun Road to the east. The 15-foot road right-of way easement is along the south property line running from the east property line to the west property line. It does not provide any street connections from east to west as I-75 is west of the property. The vacant parcel to the south has an access on Shotgun Road and will not be affected by this vacation. As such, vacation of this easement will not be in conflict with the public interest.

Staff Analysis

The 15-foot road right-of-way easement was dedicated within the original Plat, "Florida Fruit Lands Company's Subdivision Plat No. 1" and recorded in Plat Book 2, Page 17 of Miami Dade County Records. The applicant proposes to vacate this easement and include it into the proposed 63,561 square foot charter school development.

The proposed vacation will have no adversely impact to the surrounding neighborhood. The 15-foot road right-of-way easement is along the south property line, running through the archeological site, from the east property line to the west property line. It does not provide any street connections from east to west as I-75 is west of the property. This easement was dedicated prior to the construction of I-75. The vacant parcel to the south has access on Shotgun Road and will not be affected by this vacation. The proposed vacation will allow a better site design as the subject site is long and narrow (330' x 1,305') and contains an archeological site. A 10-foot perimeter landscape buffer will be located in this easement should the vacation be approved.

Staff Recommendation

Staff finds the subject application complete and suitable for transmittal to the Planning and Zoning Board and Town Council for further consideration as the vacation request meets the intent of traffic circulation and connection in the surrounding area in the future.

Planning and Zoning Recommendation

Town Council Recommendation

Exhibits

- 1) Justification letter
- 2) Property Survey
- 3) Future Land Use map
- 4) Zoning and aerial map

Prepared by: _____

Reviewed by: _____



KEITH and SCHNARS, P.A.
ENGINEERS - PLANNERS - SURVEYORS

December 9, 2003

Annie Feng
Planning and Zoning Division
Town of Davie
6591 Orange Drive.
Davie, FL 33314-3399

RE: Oak Scholar Academy Charter School-Roadway Vacation
Keith and Schnars, P.A. /009-MP-03

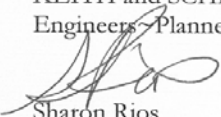
Dear Mrs. Feng:

We are requesting that you review the above plat documents. The survey indicates a 15-foot right-of-way along the south property line therefore a vacation of a right-of-way is required to include this parcel into the project prior to the Town of Davie approving the site plan.

Thank you in advance for your prompt response to this request. Should you have any questions, or require additional clarification, please feel free to contact this office at (954) 776-1616 ext. 466.

Sincerely,

KEITH and SCHNARS, P.A.
Engineers~Planners~Surveyors


Sharon Rios,
Associate Planner

SR/

RECEIVED

DEC 09 2003

TOWN OF DAVIE
PLANNING & ZONING DIV

SURVEY NOTES:

1. NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
2. LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR RIGHTS-OF-WAY, EASEMENTS, OWNERSHIP, OR OTHER INSTRUMENTS OF RECORD.
3. THE BEARINGS SHOWN ON THIS SKETCH WERE BASED ON THE NORTH AMERICAN DATUM OF 1927. SHOWN ON THE "STONER/KEITH RESURVEY II" OF ALL OF TOWNSHIP 50 SOUTH, RANGE 40 EAST, BROWARD COUNTY, FLORIDA, AS RECORDED IN MISCELLANEOUS PLAT BOOK 4, PAGE 21 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, AND AS TRANSFORMED TO THE NORTH AMERICAN DATUM OF 1983, WITH THE 1990 ADJUSTMENT. A REFERENCE BEARING OF NORTH 00°10'35" WEST, ON THE EAST LINE OF THE SOUTHWEST 1/4 OF SECTION 21.
4. THE "LAND DESCRIPTION" HEREON WAS PREPARED BY THE SURVEYOR.
5. THIS SKETCH IS NOT A BOUNDARY SURVEY AS SUCH.

LEGAL DESCRIPTION :

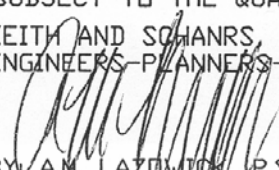
A PORTION OF THE 15' RIGHT- OF- WAY LYING SOUTH OF TRACT 40 AS SHOWN ON "FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO.1", SECTION 21, TOWNSHIP 50 SOUTH, RANGE 40 EAST, ACCORDING TO THE PLAT THEREOF, AS RECORDED PLAT BOOK 2, PAGE 17 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, AND LYING NORTH OF THE SOUTH LINE OF SAID SECTION 21 AND LYING WEST OF THE SOUTHERLY PROJECTION OF THE EAST LINE OF SAID TRACT 40 AND LYING EAST OF INTERSTATE 75 AS SHOWN ON FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP, SECTION #86075-2417, SHEET 8 OF 11, LATEST REVISION DATE 09/17/96.

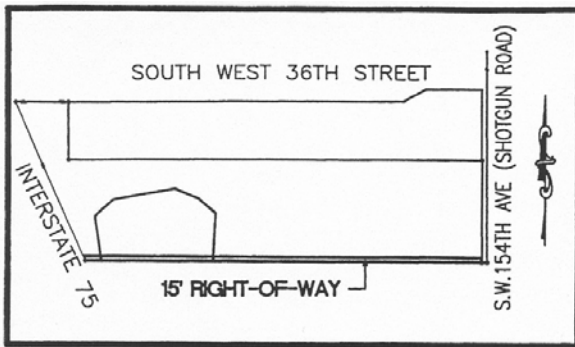
SAID LAND LYING IN THE TOWN OF DAVIE, BROWARD COUNTY, FLORIDA.

CERTIFICATE:

I HEREBY CERTIFY THAT THE ATTACHED SKETCH OF DISCRIPTION OF THE HEREON DESCRIBED PROPERTY IS DEPICTED TO THE BEST OF MY KNOWLEDGE, BELIEF, AND INFORMATION AS DELINEATED UNDER MY DIRECTION ON DECEMBER 5, 2003. I FURTHER CERTIFY THAT THIS SKETCH OF DISCRIPTION MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF PROFFESIONAL SURVEYORS AND MAPPERS IN CHAPTER 61G17-6, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES, SUBJECT TO THE QUALIFICATIONS NOTED HEREON.

KEITH AND SCHANRS, P.A.
ENGINEERS-PLANNERS-SURVEYORS


R. A. M. LATIMER, P.S.M.

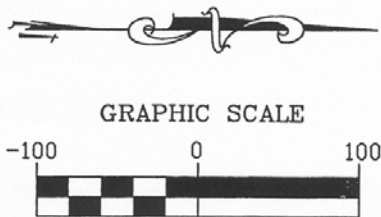


LOCATION SKETCH (NOT TO SCALE)

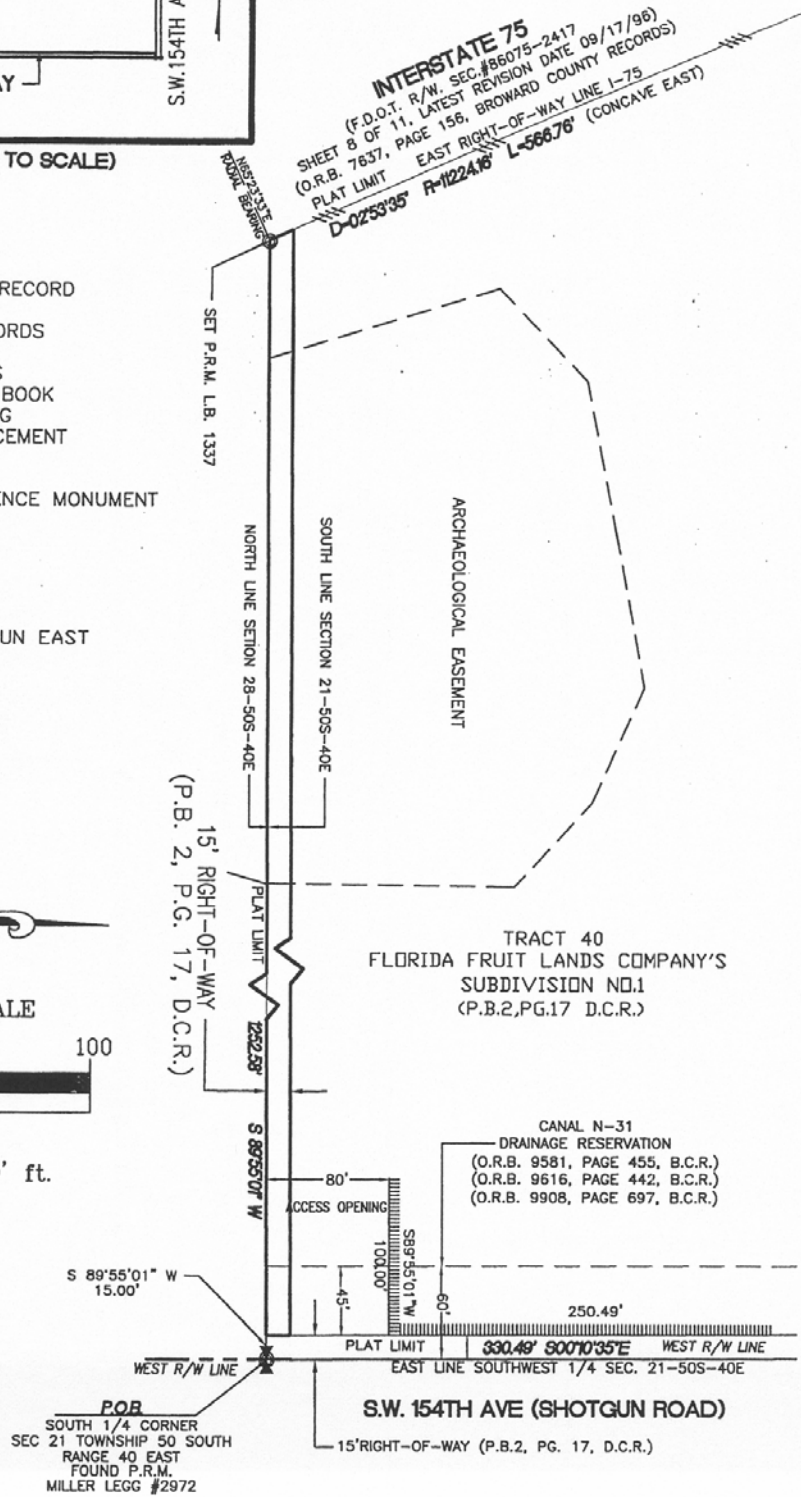
LEGEND:

B.C.R. BROWARD COUNTY RECORD
D DELTA
D.C.R. DADE COUNTY RECORDS
L LENGTH
L.B. LICENSED BUSINESS
O.R.B. OFFICIAL RECORDS BOOK
P.O.B. POINT OF BEGINNING
P.O.C. POINT OF COMMENCEMENT
P.B. PLAT BOOK
PG. PAGE
P.R.M. PERMANENT REFERENCE MONUMENT
R RADIUS

UNRECORDED PLAT OF SHOTGUN EAST
(016-MP-00)
PARCEL "B"
(20,644 SQUARE FEET)
(0.474 ACRES)
ARCHAEOLOGICAL SITE
PORTION OF FLORIDA
FILE NUMBER 8BD52



(IN FEET)
1 inch = 100' ft.



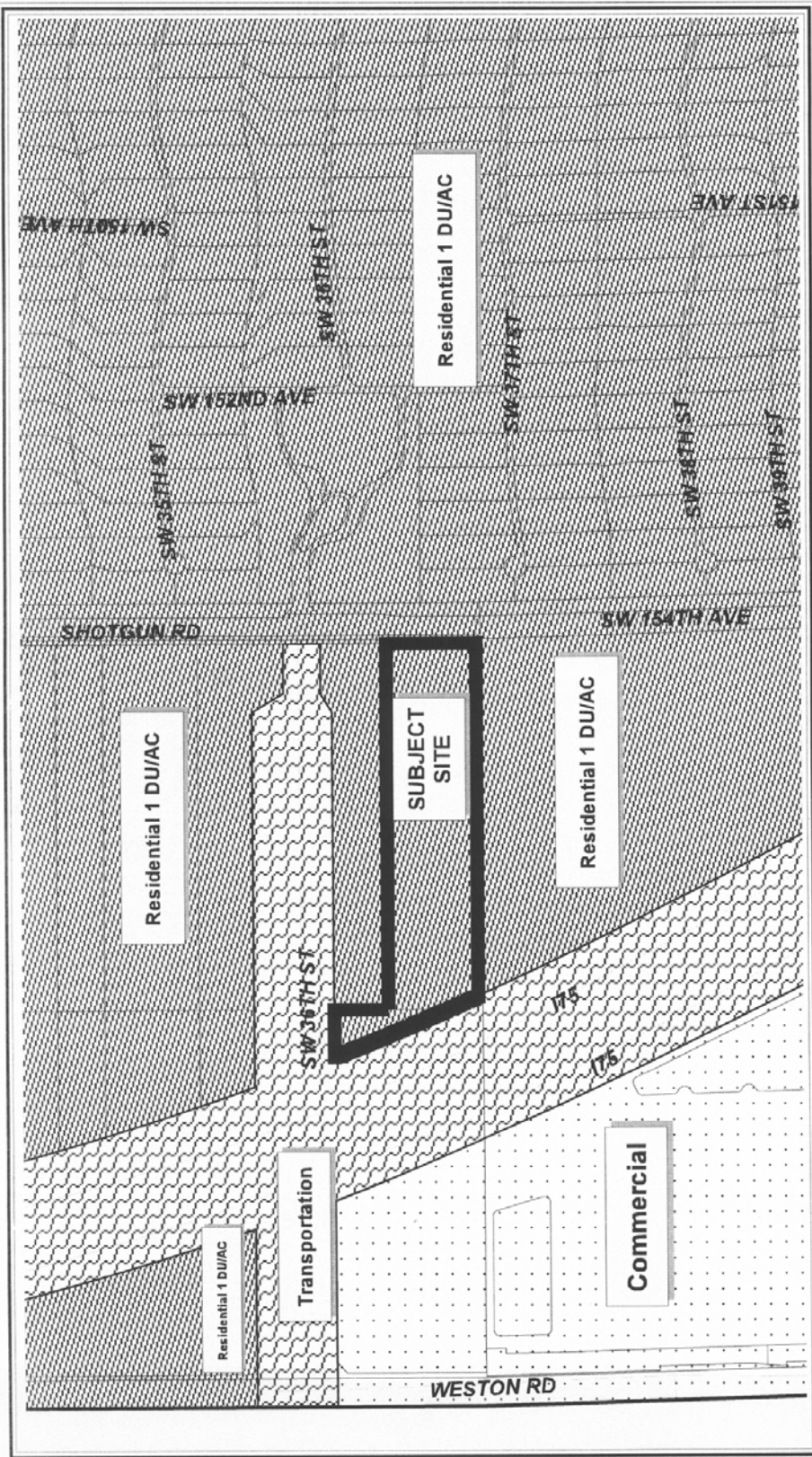
INTERSTATE 75
(F.D.O.T. R/W, SEC. #86075-2417
SHEET 8 OF 11, LATEST REVISION DATE 09/17/96)
(O.R.B. 7837, PAGE 156, BROWARD COUNTY RECORDS)
PLAT LIMIT EAST RIGHT-OF-WAY LINE I-75
D-02°53'35" R-122°41'6" L-566°76" (CONCAVE EAST)

TRACT 40
FLORIDA FRUIT LANDS COMPANY'S
SUBDIVISION NO.1
(P.B.2, PG.17 D.C.R.)

CANAL N-31
DRAINAGE RESERVATION
(O.R.B. 9581, PAGE 455, B.C.R.)
(O.R.B. 9616, PAGE 442, B.C.R.)
(O.R.B. 9908, PAGE 697, B.C.R.)

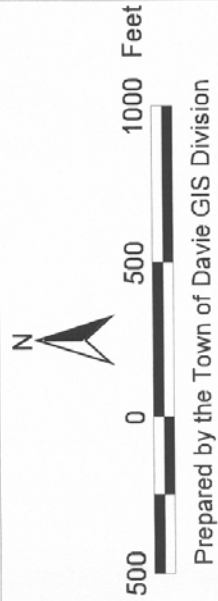
P.O.B.
SOUTH 1/4 CORNER
SEC 21 TOWNSHIP 50 SOUTH
RANGE 40 EAST
FOUND P.R.M.
MILLER LEGG #2972

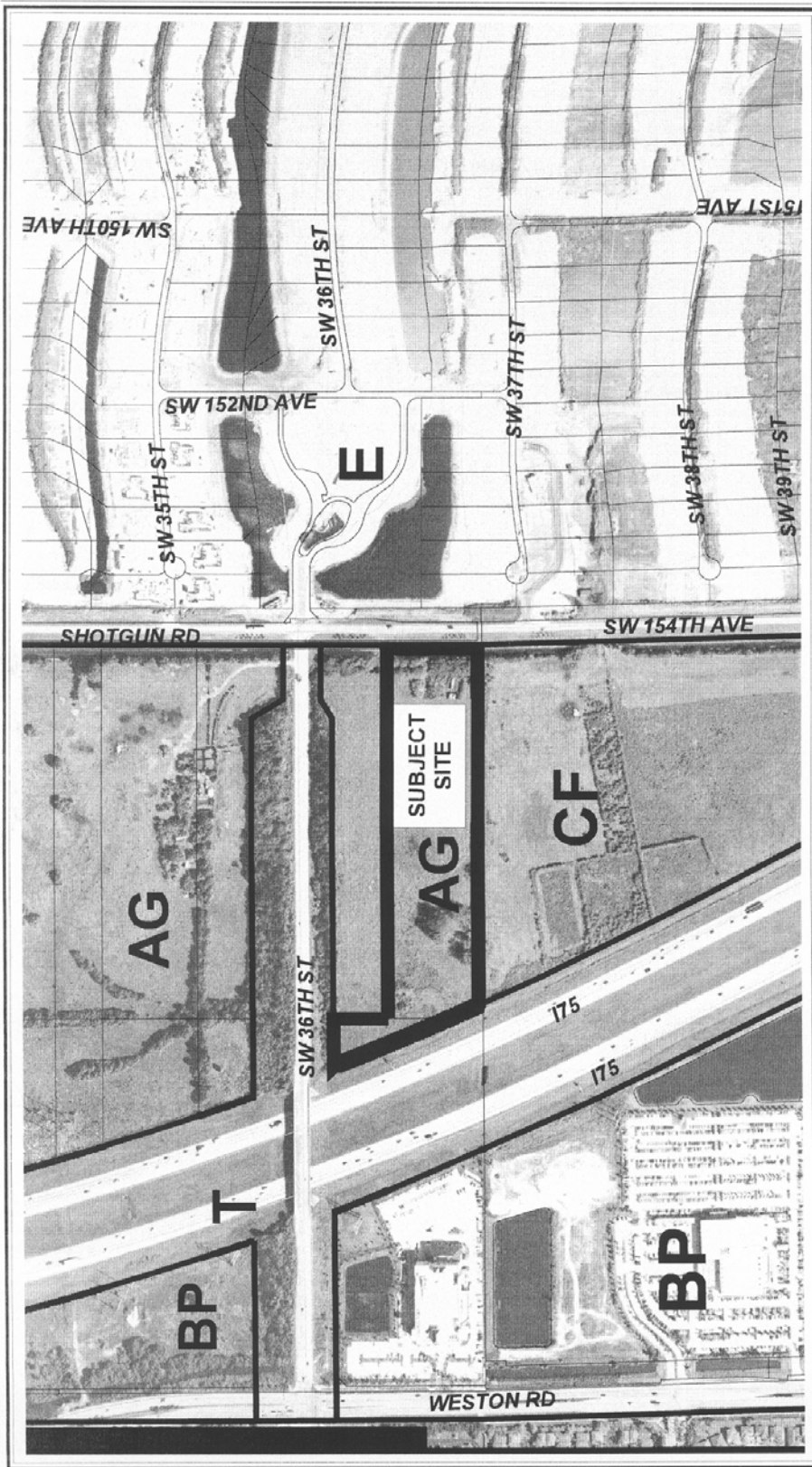
S.W. 154TH AVE (SHOTGUN ROAD)
15' RIGHT-OF-WAY (P.B.2, PG. 17, D.C.R.)



VACATION VA 12-1-03 Future Land Use Map

Prepared By: ID
Date Prepared: 10/26/04





Date Flown:
12/31/02



500 0 500 1000 Feet

Prepared by the Town of Davie GIS Division



VACATION VA 12-1-03 Zoning and Aerial Map

Prepared By: ID
Date Prepared: 10/26/04